UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/813/Add.1
14 November 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS SUPPORT MISSION IN HAITI

Addendum

I. INTRODUCTION

1. It will be recalled that, in compliance with paragraph 8 of resolution 1063 (1996) of 28 June 1996, on 1 October I submitted to the Security Council a comprehensive report on developments relating to the United Nations Support Mission in Haiti (UNSMIH) up to 30 September (S/1996/813). The present addendum covers significant developments since that time. It also contains my recommendations on the role of the United Nations in Haiti after the expiration of the Mission's current mandate on 30 November. These recommendations are based on the consultations that my Special Representative, Enrique ter Horst, has continued to hold with the Haitian authorities and on the views of the group of "Friends of the Secretary-General for Haiti".

II. POLITICAL AND SECURITY SITUATION

2. Since my report of 1 October 1996, there has been some improvement in the security situation in Haiti and in the capacity of the Haitian National Police (HNP) to confront existing challenges. The spate of violence which characterized the months of July, August and September has abated. That violence, some of which appeared to be politically motivated, had caused serious disquiet among the population and seemed to threaten Haiti's transition to democracy. There were indications that small groups of former members of the Armed Forces of Haiti, acting at times in concert with certain political figures associated with the previous, de facto regime, were behind some of the incidents. While inactive in recent weeks and apparently devoid of popular support, some of these groups continue to have access to funding and weapons. They are in a position to threaten and damage government installations and infrastructure, and they are believed to be planning future challenges to the Government of President Préval, seeking to undermine its efforts to ensure stability, increase democratic participation and promote economic development. Recent information suggests that a number of these groups may be using neighbouring countries as a base.

3. Sergeant Joseph Jean-Baptiste, the outspoken leader of a militant group of former soldiers known as Comité revendicatif des militaires, was detained on 28 September on charges of plotting against the Government, after having threatened attacks to disrupt the opening of the Haitian school year on 7 October. At the same time, HNP seized a variety of military weapons and ammunition, as well as plans for an attack on the residence of former President Aristide. On 5 November, HNP officers shot and killed five men in police uniforms, who were part of a group of some 10 persons who reportedly fired at them from their vehicle in Port-au-Prince. On this occasion, too, HNP seized a significant number of military weapons transported in the vehicle. In response to threats like these - real as well as perceived - grass-roots groups have been formed around the country. While an expression of the profound popular rejection of any return to the violence, arbitrariness and authoritarianism which, for long periods, characterized Haitian society in the past, some of these groups have caused additional apprehension by threatening to resort to violence themselves and by showing a propensity to take justice into their own hands. The existence of several armed security bodies - some of them attached to municipalities - outside the official structure of HNP and therefore outside its disciplinary codes and mechanisms, is also a cause of concern. Showing, as they frequently do, a marked tendency to degenerate into bands of armed thugs, these forces undermine the established order and represent a potential for human rights violations. The high level of criminality, which includes trafficking in drugs, arms and contraband, also poses a formidable challenge to HNP and to the maintenance of a secure and stable environment.

4. In earlier reports (see in particular S/1995/614 and S/1996/813), I have underlined the importance of encouraging the reintegration of former soldiers into society and the danger of not attending to this important aspect of peace-building. It is therefore with satisfaction that I note the proposals by a joint working group of the International Organization for Migration, USAID, the Ministry of the Interior and UNSMIH for a comprehensive scheme regarding pensions and the reimbursement of savings deposits to which the demobilized soldiers are entitled. The Government's commitment to fulfilling its obligations to the former soldiers was reinforced by the statement on the issue made by Prime Minister Rosny Smarth on 23 September. A form of reparation for those Haitians victimized by the former de facto regime is also under consideration.

5. On 18 October, President Préval and Prime Minister Smarth dissolved the Provisional Electoral Council by decree and invited the Supreme Court (Cour de Cassation) and Parliament to nominate new members. The Council had reached an impasse internally and was unable to proceed with planning for elections to the local councils known as Territorial Assemblies and to the Senate, both of which are due by the end of 1996. In accordance with constitutional procedures, a new Council was appointed on 6 November.

III. DEPLOYMENT AND OPERATIONS OF UNSMIH

6. Members of the Security Council will recall that, in response to the Council's request in resolution 1063 (1996) that I report to it on prospects for further reductions in the strength of the Mission, I recommended on 1 October (see S/1996/813, para. 55) that, in the light of the serious deterioration in Haiti's security situation, the Mission's current military and civilian police strengths should be maintained (see annex). At that time, I also expressed the view that the existing strength of UNSMIH constituted the minimum required for the implementation of its mandate (see also S/1996/813, paras. 17-19), as well as my conviction that further reduction would diminish the Mission's operational and training capability and place the discharge of its mandate at risk. I take this opportunity to reiterate that assessment. The numerous incidents of violence between July and early September, which placed great demands on UNSMIH, clearly demonstrated the limitations of the current troop strength. To counter those limitations, the military element of UNSMIH introduced several operational innovations. The judicious use of air patrols in close coordination with ground patrols proved to be effective. In view of the reduced violence in the capital in recent weeks, UNSMIH has resumed patrolling in areas of the countryside more susceptible to criminal activity. When appropriate, joint civilian police/HNP/military patrols continue around the country.

7. The rules of engagement have been designed in a way that allows UNSMIH to discharge fully its mandate to assist the Government of Haiti in the professionalization of the new civilian police and in the maintenance of a secure and stable environment. They authorize the use of force in self-defence and the defence of all UNSMIH personnel and to oppose forcible attempts to impede the discharge of the Mission's mandate. The level of such assistance to the Government is determined on the ground in the light of prevailing conditions by my Special Representative in consultation with the Force Commander of UNSMIH and in close cooperation with President Préval and his Government.

8. The civilian police element of UNSMIH continues to concentrate on training HNP personnel, both in the Police Academy and in the commissariats around the country. Nine civilian police officers have been named technical advisers to the Departmental Directors of HNP, six of whom are now in place. The strength of the civilian police element was increased in late October by the addition of 17 Creole-speaking officers from the United States and by the arrival of its first member from India. Civilian police activities are focused in large part on training mid-level officers in order to fill a void in the HNP command structure that continues to impinge negatively on its effectiveness. In November, civilian police personnel will conduct the sixth training session for commissaires, bringing the total number of trained officers to 86 of the 150 required. On 23 October, 60 university graduates took the qualifying examinations for this position, and additional sessions are planned. In order to fill vacancies at the intermediate inspecteur level quickly, the civilian police continue to train agents in the two upper professional categories (agents "3" and "4") for potential command positions (see S/1996/813, para. 23). Since most of the country remains without any criminal investigative capacity, the human resources of HNP are being reviewed in order to identify candidates for a new criminal investigation unit of some 30 detectives.

IV. HAITIAN NATIONAL POLICE

9. Since late September the performance of the Haitian National Police in Port-au-Prince and in the rest of the country has improved markedly. Absenteeism, although still a problem, has dropped, and officers are participating more regularly in training opportunities offered by the civilian police element of UNSMIH. HNP is now more visible around the capital where it is directing traffic effectively. Bolstered by the addition of 82 new squad cars, it has achieved a greater degree of preparedness. The police are also beginning to make inroads into criminal networks, and have scored a number of successes by moving against drug dealers and unearthing weapons caches.

10. This progress can be attributed to several factors. As mentioned above, six of nine departmental directors have now been installed, providing an occasion for field visits by headquarters staff which gave a welcome boost to the morale of local HNP personnel. Progress has also been noted in enforcing compliance with ethical, human rights and professional standards. The Inspector General's office has increased its visibility at the national level by issuing bimonthly reports on its investigative findings. Some 40 agents have been dismissed to date for various infractions. The results of its corps-wide performance survey are forthcoming. The positive effect in the force of this increased accountability as well as its contribution to building public confidence in the institution cannot be overestimated. Another lift to morale, which no doubt translates into improved performance, can be attributed to the regular payment of monthly salaries, as well as the renovation by UNSMIH of some 20 police stations and the continuing work on another five. Monthly review meetings, chaired by President Préval, which bring together top HNP management, UNSMIH, the International Civilian Mission in Haiti (MICIVIH) and bilateral donors, are also beginning to prove effective. After a hiatus, the "support and follow-up group" formed by the Director-General is now meeting regularly and should prove useful in translating plans into action.

11. Despite these encouraging signs, major gaps remain and the installation of the basic systems and key components of the Haitian National Police has yet to be realized. Command centres (centres de renseignements et d'opérations) at HNP headquarters and in the departments are still not fully operational, though equipment has begun to arrive. Commissaires and inspecteurs have been deployed at a greater rate of late, but many of these mid-level management positions remain to be filled, leaving rank-and-file personnel without the necessary leadership and direction. Many posts remain underequipped and physically inadequate. Ninety-one HNP stations have been slated for renovation during 1997. The management of personnel and of the payroll remains inadequate, as do accountability for equipment and record-keeping in general.

12. As the institutional development of HNP slowly acquires its own momentum, the continuity and reliability of technical advice takes on increasing importance. In keeping with the regulations of some contributing countries, almost two thirds of the UNSMIH civilian police element are rotated frequently. While this system allows for police functions to be carried out, it makes technical assistance, which is based on specific expertise and the establishment of relationships of confidence, much more difficult. In addition, the uncertainty generated by the short renewals of the mandate of the Mission

weakens institution-building efforts which, by definition, require a medium- to long-term commitment. At the request of the Government of Haiti, my Special Representative has initiated the establishment of a technical assistance programme designed to provide HNP with expertise to carry out this longer-term effort and to provide the necessary continuity to the efforts of UNSMIH, particularly after the end of the Mission.

13. Members of the Security Council will recall that, in response to resolution 975 (1995), I set up a voluntary fund to assist with the creation of an adequate police force in Haiti. As I previously reported (see S/1996/813, para. 33), this Trust Fund has received a total of US$ 3,250,000, which has been used primarily for the purchase of equipment and renovation of police stations. Although, as indicated in my last report, many of the country's police stations are still in dire need of repair, concessional resources from donor countries now appear to be sufficient to cover next year's programmed requirements in this regard. For these reasons, and as already noted, the Trust Fund's resources will in the future be used increasingly to contract the services of law enforcement professionals who will provide technical assistance to HNP management and to each of the nine departmental directors. The importance of this technical assistance programme becoming operational as soon as possible cannot be overemphasized if the continued institutional development of HNP is to be ensured, and I therefore call once again on Member States to contribute generously to the Trust Fund.

V. JUSTICE SYSTEM

14. As I suggested in my last report, judicial reform is not keeping pace with developments in the public security sector, and resources and expertise offered are not being adequately exploited. Over the last several months some 40 persons have been detained on charges of plotting against the security of the State or committing acts of violence. Many of these cases have stagnated in a court system largely unable to process judicial cases. This is illustrated by the fact that 80 per cent of people incarcerated nationwide are in pre-trial detention. In response to this situation, some ad hoc mechanisms were put into place which, while seemingly expedient, were of questionable legality and later had to be abolished. While there are some laudable initiatives to modernize and professionalize the justice sector, its continuing inability to respond professionally to such challenges underlines the long-standing need for fundamental reform. In the meanwhile, the fact that the courts are not able to fulfil their part in law enforcement threatens to undermine progress achieved in the police.

VI. DEVELOPMENT ACTIVITIES

15. At the end of September, the Parliament adopted two laws which complemented previous government measures with regard to the structural adjustment programme, on modernization of State enterprises and civil service reform. This allowed multilateral and bilateral donors to release close to $40 million for budgetary support before 15 November, of a total of about $120 million for the current fiscal year. Three major challenges remain for the next few months: swift

implementation of the two new laws; approval of the budget for fiscal year 1996-1997, currently under discussion in Parliament; and the start-up of already financed large infrastructure projects which are finally scheduled to commence early in 1997. The considerable delays in starting these projects continue to cause concern. The Préval Government is making strenuous efforts to meet these challenges and economic growth should now begin to accelerate, with a favourable impact on employment in 1997 and beyond.

16. One promising step is a recently launched mechanism whereby donors will meet periodically by sector with the appropriate minister to review progress in development projects and to consider plans for new initiatives. So far, such meetings have been held in the areas of social affairs, education, culture, gender equality and the improvement of the situation of women, agriculture, and road infrastructure. Though progress has been slow to date, steps are being taken to reactivate this potentially useful arrangement. In particular, the successful methodology developed in the agricultural sector will be applied to the other sectors with the intention of establishing a fully functional information and progress review mechanism by the beginning of December to be presented to the next consultative group meeting of bilateral and multilateral donors and financial institutions.

VII. FINANCIAL ASPECTS

17. The cost of maintaining the United Nations Support Mission in Haiti at its authorized strength for the 12-month period from 1 July 1996 to 30 June 1997 was estimated at $57,187,400, equivalent to $4,765,600 per month, in my report on the financing of UNSMIH dated 9 September 1996 (A/51/191/Add.1). The General Assembly, by its resolution 51/15 of 4 November 1996, appropriated the amount of $28,704,200 for the period ending on 31 December 1996.

18. Should the Security Council decide to extend the mandate of UNSMIH, as outlined in paragraph 24 below, the resources required for the maintenance of the Mission will be sought from the General Assembly during its current session on the basis of my financing report indicated above.

19. An amount of $23,957,000 was assessed for UNSMIH by the General Assembly in its resolution 51/15 for the period from 1 July to 30 November 1996. The total of outstanding assessed contributions for all peacekeeping operations on 31 October 1996 amounted to $1.8 billion.

VIII. OBSERVATIONS

20. The establishment of a new national police force is a complex, difficult and lengthy task. In the case of Haiti, the following elements should be considered to help measure the results achieved: (a) the completion of the deployment of the HNP officer corps; (b) the deployment of the force according to a coherent plan that takes into account Haiti's terrain, the characteristics and needs of its population and the incidence of criminality; (c) the establishment of fully operational personnel and logistics systems; (d) the definition of a curriculum (including its duration) for the basic training of

commissaires, inspecteurs and rank-and-file personnel, as well as the establishment of training centres in each Département; (e) assimilation of the concept of "community policing" at the rank-and-file level; (f) the establishment of a functioning telecommunications system; and (g) the establishment of an information storage and retrieval mechanism, as well as a monitoring and planning system for the force.

21. A chart of outstanding tasks for the consolidation of HNP was discussed in Port-au-Prince on 7 November at a trilateral meeting of the Government of Haiti, the "Friends of the Secretary General for Haiti" and UNSMIH. Achievements to date were reviewed and a 12-month programme of work was approved.

22. Only 18 months have elapsed since the first class of police officers graduated. Much has been accomplished in this relatively short period. However, HNP is not at this stage in a position to ensure its own continued development while at the same time maintaining security and stability in Haiti. Crime is still a major problem and the potential for incidents may increase as the police step up their efforts to deal with it. Several steps taken by the Haitian authorities, such as their decision to address the legitimate financial claims of the former members of the armed forces, the arrest of several former soldiers implicated in violent acts, and police operations against criminal gangs and arms caches have made an impact and helped reduce the potential threat. However, armed groups which oppose the Government, though mostly inactive for the past several weeks, have not been reined in.

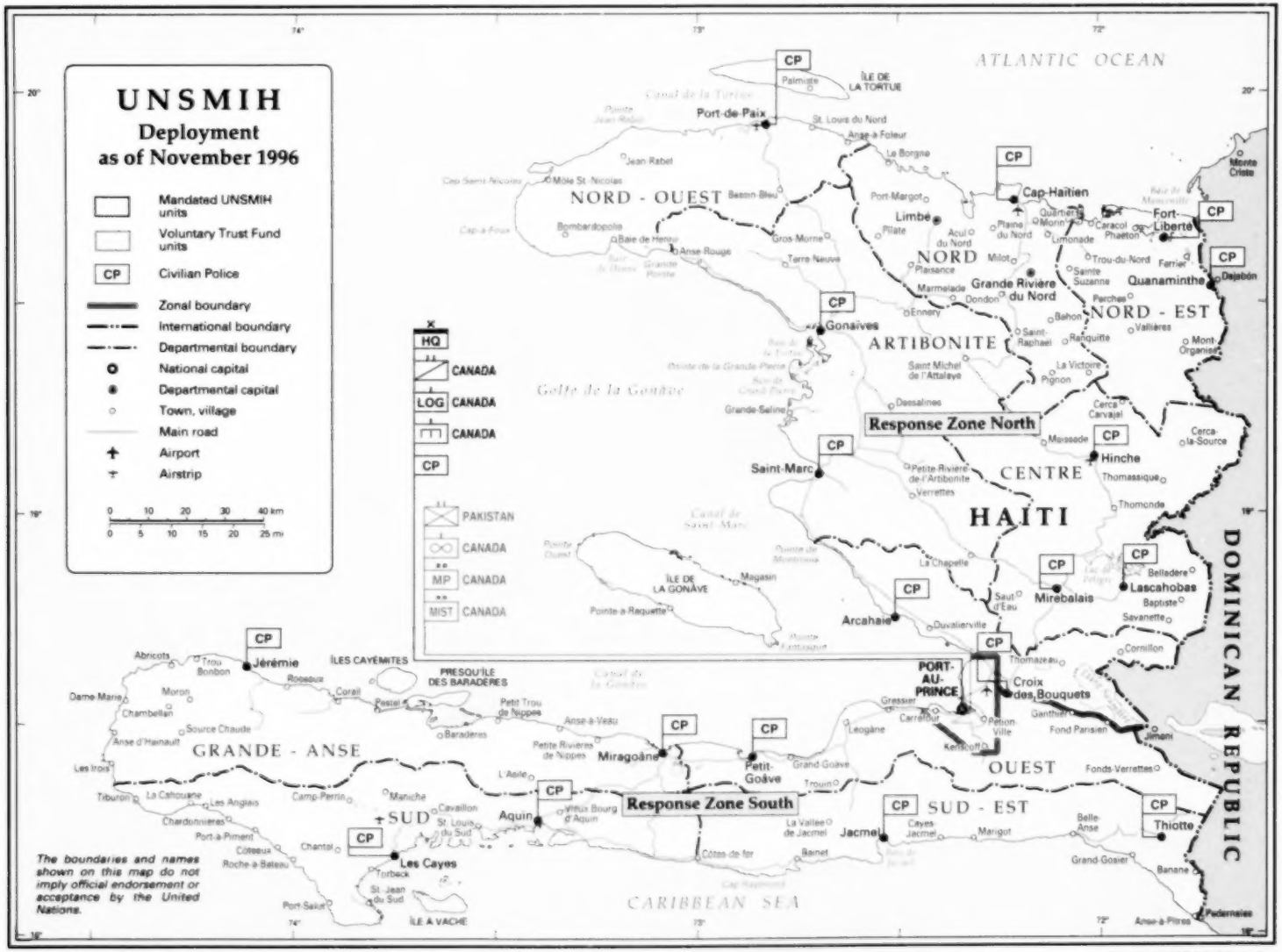
23. In my report of 1 October, I observed that the Haitian National Police had not reached the level of experience and confidence required to control and defeat threats posed by subversive groups, and that it was clear, therefore, that the presence of the UNSMIH military element was a key factor in the ability of the Haitian authorities to contain the danger of destabilization by forces threatening democracy. The presence of UNSMIH continues, therefore, to be required to give the international programme of support the firm foundation necessary to ensure its success, to allow for an orderly transfer to the Haitian authorities of the functions now being carried out by the Mission, and to consolidate the considerable investment made by the international community in the restoration of democracy in Haiti.

24. Should the Government of Haiti so request, I would be ready, therefore, to recommend that the Security Council extend the mandate of UNSMIH until 30 June 1997 at its current strength. As I mentioned in paragraph 6 above, I remain convinced that further reduction in the size of the Mission in the present circumstances would diminish its operational and training capabilities and place the discharge of its mandate at risk. However, during this period, I would again ensure that the force level is kept under constant review so that the remaining tasks can be completed at the lowest possible cost to Member States. I shall notify the Security Council immediately upon receipt of a request from the Government of Haiti.

Annex

Composition and strength of UNSMIH military and civilian police elements at 1 November 1996

Nationality	Military			Civilian police
	Operational	Headquarters	Voluntarily funded	
Algeria				15
Bangladesh		8		
Canada	515	38	200	96
Djibouti				19
France				89
India				1
Mali				37
Pakistan	25	13	500	
Russian Federation				5
Togo				7
Trinidad and Tobago		1		
United States of America				17
Total	540	60	700	286
Grand total	600		700	286



Map No. 3954 Rev. 1 UNITED NATIONS
October 1996

Department of Public Information
Cartographic Section